

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MATTHEW MONTAG

PLAINTIFF

v.

CIVIL ACTION NO. 1:20-cv-325-TBM-RPM

DONALD TRUMP et al

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on submission of the [7] Report and Recommendation entered by United States Magistrate Judge Robert P. Myers, Jr. on February 19, 2021.

After considering the record and applicable law, Judge Myers recommends that the case should be dismissed as frivolous under 28 U.S.C. § 1915(e)(2). In the alternative, Judge Myers recommends that the case should be dismissed without prejudice for failure to prosecute. Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

“When a party fails timely to file written objections to the magistrate judge’s proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error.” *Casas v. Aduddell*, 404 F. App’x 879, 881 (5th Cir. 2010); *see also Thomas v. Arn*, 474 U.S. 140, 152, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985) (“There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Having considered Judge Myers’s Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [7] entered by United States Magistrate Judge Robert P. Myers, Jr. on February 19, 2021 is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that this action is DISMISSED WITH PREJUDICE.

THIS, the 27th day of April, 2021.



TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE